

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRIAN KEMP, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

This matter is before the Court on the Motion for Additional Injunctive Relief of Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Megan Missett, and Ricardo Davis (the "Coalition Plaintiffs").

Upon considering the motion and supporting authorities, the response from the Defendants, and the evidence and pleadings of record, the Court finds that Plaintiffs are likely to succeed on the merits of their claims, that they will be irreparably harmed if this motion is not granted, that the balance of equities tip in Plaintiffs' favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The Court accordingly GRANTS the motion and issues the relief set forth below.

UNTIL FURTHER ORDER OF THIS COURT:

*1. Electronic Pollbook Corrections and Security.*

Within five days of the entry of this order, authorized representatives of Defendant Secretary of State and the Coalition Plaintiffs shall confer and shall file a plan with this Court that addresses the following topics with respect to the November 6, 2018 election: (a) the procedures to be undertaken by election officials to address errors in the voter registration database that may cause eligible voters to receive the wrong ballot, be assigned to the wrong precinct in the electronic pollbook, or be prevented from casting a regular ballot in their properly assigned precinct; (b) the procedures to be undertaken by the Secretary's staff and by county election officials and poll workers to provide for use of the paper back-up of the pollbook in the polling places for adjudicating voter eligibility and precinct assignment problems.

*2. Paper Ballot Audit*

Within five days of the entry of this order, authorized representatives of Defendant State Election Board and the Coalition Plaintiffs shall confer and shall file with this Court a proposed plan for a pre-certification audit of the paper ballot

tabulations of the November 6, 2018 and December 4, 2018 elections. The plan shall be based on the audit principles discussed in Professor Stark's Declaration, (Doc. 296, at 12 ¶¶ 27-31, at 13-14 ¶¶ 34-39, at 14-17 ¶¶ 41-47, and Exhibit G ¶¶ 9-12) and focused on contested candidate races on the ballot.

*3. County Election of Paper Ballots*

In all or any upcoming elections, the State Defendants are enjoined from directly or indirectly prohibiting counties from adopting paper ballots at the polling place if the authorized officials in those counties determine that it is feasible to use paper ballots in such counties.

*4. DRE Tape Audit*

Prior to the certification of the election, the Secretary of State shall direct each county superintendent of elections to confirm the mathematical accuracy of the reported summary of individual printed DRE machine vote tallies printed at the polling places, in a manner consistent with the recommendations of Professor Stark as set forth in Paragraph 8 of his Supplemental Declaration.

*5. Paper Ballots – December Special Elections and Run-off Elections*

Defendants are enjoined from conducting the December 2018 runoff election and December 2018 special elections through the use of DRE voting units and enjoined to conduct such elections using paper ballots; provided, however, that

Defendants shall make available at each polling place at least one voting system equipped for individuals with disabilities that produces a permanent paper record, *see* 52 U.S.C. § 21081(a)(2)(B) and § 21081(a)(3)(B), which may not be a paperless DRE voting unit unless no other equipment equipped for individuals with disabilities is reasonably available that satisfies the requirement to have a manual audit capacity.

*6. Paper Ballots – Elections after January 1, 2019 Elections*

Defendants are enjoined from conducting any election after January 1, 2019 through the use of DRE voting units and enjoined to conduct such elections using paper ballots; provided, however, that Defendants shall make available at each polling place at least one voting system equipped for individuals with disabilities that produces a permanent paper record, *see* 52 U.S.C. § 21081(a)(2)(B) and § 21081(a)(3)(B), which may not be a paperless DRE voting unit unless no other equipment equipped for individuals with disabilities is reasonably available that satisfies the requirement to have a manual audit capacity.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

---

U.S. District Court Judge Amy Totenberg

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRIAN KEMP, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Bruce P. Brown

Bruce P. Brown  
Georgia Bar No. 064460  
BRUCE P. BROWN LAW LLC  
Attorney for Coalition for  
Good Governance  
1123 Zonolite Rd. NE  
Suite 6  
Atlanta, Georgia 30306  
(404) 881-0700

PAGE 5

COALITION PLAINTIFFS' PROPOSED ORDER  
GRANTING MOTION FOR  
ADDITIONAL INJUNCTIVE RELIEF  
OCTOBER 2, 2018

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRIAN KEMP, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day caused the foregoing COALITION PLAINTIFFS' PROPOSED ORDER GRANTING MOTION FOR ADDITIONAL INJUNCTIVE RELIEF to be served upon all other parties in this action by via electronic delivery using the PACER-ECF system.

This 2<sup>nd</sup> day of October, 2018.

/s/ Bruce P. Brown

Bruce P. Brown  
Georgia Bar No. 064460  
BRUCE P. BROWN LAW LLC  
Attorney for Coalition for  
Good Governance  
1123 Zonolite Rd. NE  
Suite 6  
Atlanta, Georgia 30306  
(404) 881-0700

PAGE 6

COALITION PLAINTIFFS' PROPOSED ORDER  
GRANTING MOTION FOR  
ADDITIONAL INJUNCTIVE RELIEF  
OCTOBER 2, 2018